MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5547 OF 2006

Ganpati Babu Patoli and others Petitioners
versus
Rajawwa Ningappa Patoli & others Respondents

Mr.Prabhu i/by N.V.Bandiwadekar for petitioners

Mr.Amit Borkar for respondent nos.1 and 2.

CORAM : A.S.OKA, J.

DATE : 26th February 2007

PC :

1. Heard advocates appearing for the parties.

2. By this petition under Article 227 of the Constitution of India, the petitioners challenge an order passed on an application made at Exhibit-92 by the Trial court whereby the plaintiff has been permitted to carry out the amendment to the plaint subject to the costs to be paid to the petitioners. Learned advocate for the petitioners contends that the proposed amendment is inconsistent with the averments in the plaint and it will change the nature of the

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suit.

3. I have considered the submissions. The suit is filed by the original plaintiff for perpetual injunction. By the proposed amendment, the original plaintiff desires to add a prayer in the alternative for a decree for possession. It is permissible to carry out such amendment for avoiding multiplicity of proceedings. There is no error in the order. Petition is rejected. It will be open to the petitioners to file additional written statement to the amended plaint within eight weeks from today.

(A.S.OKA, J.)